

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

AMERICAN NATIONAL PROPERTY
AND CASUALTY COMPANY,

Plaintiff,

v.

KATHLEEN SEBELIUS, AS
SECRETARY OF HEALTH AND
HUMAN SERVICES, *et al.*,

Defendants.

Case No. 2:11-CV-01182-KJD-CWH

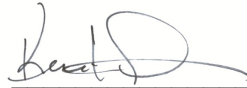
ORDER

Plaintiff's Complaint (#1) was filed July 20, 2011. Federal Rule of Civil Procedure ("Rule") 4(m) requires service of summons and complaint to be made upon a defendant 120 days after the filing of the complaint. The 120 day time period for effecting service of the summons and complaint upon Defendants expired no later than November 17, 2011. Plaintiff has only filed proof of service on Kathleen Sebelius, as Secretary of Health and Human Services. While it appears that service on a secretary designated to accept service on behalf of Kathleen Sebelius was appropriate, it does not fully comply with Rule 4(i)(2) governing service on an United States officer or employee sued in their official capacity. Plaintiff must also serve the United States in compliance with Rule 4(i)(1),

1 which requires Plaintiff to serve the United States attorney for the district where the action is
2 brought. Finally, Plaintiff has not provided proof of service as to Defendant Vera Evans.

3 Accordingly, IT IS HEREBY ORDERED that Plaintiff shall have up to and including
4 December 6, 2011 to file proof of service of the summons and complaint within the allowed time. If
5 Plaintiff fails to respond or to file proof of service, the Court will dismiss the complaint without
6 prejudice in accordance with Federal Rule of Civil Procedure 4(m).

7 DATED this 21st day of November 2011.

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11 Kent J. Dawson
12 United States District Judge
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